



Attorney Docket No. NEX87/PCT-US
Express Mail Label No. EV 529321420 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: PAGRATIS ET AL
SERIAL NO.: 10/030,787
FILED: JANUARY 31, 2002
TITLE: HIGH AFFINITY TGF β NUCLEIC
ACID LIGANDS AND INHIBITORS

EXAMINER: FORMAN, B.J.
ART UNIT: 1634

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION PURSUANT TO 37 CFR § 1.132

Sir:

I, Larry Gold do hereby declare as follows:

1. I am a co-inventor of the above-captioned patent application.
2. Claims 2-7 of the above-captioned patent application have been rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,124,449.
3. Any unclaimed invention disclosed in United States Patent No. 6,124,449 was jointly derived from me and from Nikos Pagratis, and thus is not the invention "by another."
4. Any unclaimed invention in United States Patent No. 6,124,449 was jointly conceived by me and by Nikos Pagratis.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date:

Sept 27, 2004

By:

Larry Gold



11-26-04

1034
JFW

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SUPPLEMENTAL RESPONSE

Sir:

An Office Action was received in the above-captioned case on May 25, 2004 and a response to the Office Action was filed on September 20, 2004. This Supplemental Response includes a copy of a declaration under 37 C.F.R. § 1.132 signed by inventor Larry Gold.

Remarks/Arguments begin on page 2 of this paper.

REMARKS AND ARGUMENTS

Claims 2-7 stand rejected as being anticipated under 35 U.S.C. § 102(e) by Gold et al., U.S. Patent No. 6,124,449. In the response dated September 20, 2004, Applicants submitted declarations under 37 C.F.R. § 1.132 showing that the invention disclosed but not claimed in Gold et al. was derived from co-inventors Gold and Pagratis of the instant application. The declarations were submitted unsigned. Please find enclosed a copy of the declaration signed by inventor Gold. Withdrawal of the 35 U.S.C. § 102(e) rejection is respectfully requested.

Applicant believes that the pending claims are in condition for allowance. If it would be helpful to obtain favorable consideration of this case, the Examiner is encouraged to call and discuss this case with the undersigned.

This constitutes a request for any needed extension of time and an authorization to charge all fees therefore to deposit account No. 19-5117, if not otherwise specifically requested. The undersigned hereby authorizes the charge of any fees created by the filing of this document or any deficiency of fees submitted herewith to be charged to deposit account No. 19-5117.

Respectfully submitted,



Date: November 24, 2004

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